

Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (SI 2012 No. 3032)

Introduction

These Regulations (abbreviated as RoHS) came into force on 2 January 2013, revoking and replacing previous Regulations of the same name. They implement **Directive 2011/95/EU** and apply to the UK.

Application

Regulation 5 states which electrical and electronic equipment (EEE) the Regulations apply to:

- ◆ Large household appliances.
- ◆ Small household appliances.
- ◆ IT and telecommunications equipment.
- ◆ Consumer equipment.
- ◆ Lighting equipment.
- ◆ Electrical and electronic tools (except large-scale stationary industrial tools).
- ◆ Toys, leisure and sports equipment.
- ◆ Medical devices (for in vitro diagnostic medical devices from 22 July 2016 and from 22 July 2014 for others).
- ◆ Monitoring and control instruments (from 22 July 2017 for industrial monitoring and control instruments and from 22 July 2014 for others).
- ◆ Automatic dispensers.
- ◆ Electric light bulbs.
- ◆ Luminaires for use in households.
- ◆ Other EEE not covered by the above.

Prohibitions on Placing EEE on the Market (Manufacturers and their Authorised Representatives) (Reg. 10)

Producers have an obligation to not place new EEE on the market if it contains lead, mercury, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers in greater concentrations than 0.1% by weight in homogenous materials or 0.01% by weight for homogenous materials for cadmium.

Producers must prepare technical documentation supporting that the above requirements have been met. They must also develop a procedure to demonstrate conformity with the Regulations. If compliance has been demonstrated by the procedure then a CE mark should be affixed.

Producers must hold the documentation for 10 years from placing the EEE on the market.

Prohibition on Placing EEE on the Market (Importers) (Reg. 23)

An importer must not put EEE on the market unless the EEE complies with the restrictions stated above.

Duty to Act with Due Care and Prohibition on Making EEE Available on the Market (Reg. 29)

A distributor must verify that EEE is CE marked and is accompanied by the required documentation.

Enforcement

The enforcing authority is the Secretary of State (**Reg. 35**).

Powers are available to allow the Market Surveillance Authority (**Reg. 36**) to make test purchases, to enter premises and serve warrants, etc. They may also issue compliance, enforcement and recall notices.

Enforcement officers have powers available to them under **Reg. 36(a)**:

- ◆ Powers of entry at any reasonable time (not a person's residence).
- ◆ Power to inspect, seize and detain EEE.

- ◆ Power to take measurements, photographs and make recordings.

Compliance Notice (Reg. 36(b))

The Secretary of State has the power to serve a compliance notice where there are reasonable grounds to believe that goods placed on the market or supplied are “infringing goods”.

Enforcement Notice (Reg. 36(b))

Where a producer does not comply with the requirements of a Compliance Notice within the specified time period, an Enforcement Notice may be served. This notice may require a number of things, including requiring modifications to the goods, requiring other compliance actions, restricting or prohibiting the marketing of goods and/or requiring the goods to be withdrawn from the market.